

REMARKS

The Applicants have filed the present Response pursuant to 37 C.F.R. § 1.116 in reply to the outstanding Final Rejection of May 19, 2003, and the Applicants believe it to be fully responsive to the Final Rejection for reasons set forth below.

In the Official Action, the Examiner first objected to the newly added Claim 79 pursuant to 35 U.S.C. § 132, as allegedly introducing new matter into the disclosure. The Examiner further rejected Claims 74 and 79 pursuant to 35 U.S.C. § 102(e), as allegedly anticipated by Redfern (U.S. Patent No. 6,078,914).

In traversing the objection to Claim 79 pursuant to 35 U.S.C. § 132, the Applicants respectfully submit Claim 79 is fully supported in the present specification and does not introduce new matter. As Applicants have asserted in the Amendment dated March 4, 2003, support for Claim 79 is found in the present specification at page 38, lines 3-19 and Figure 31. More specifically, the determination of the first value in step i) refers to the value $p_a = n_o/n_b$ on page 38, lines 4-10. In view of page 38 and Fig. 31, value p_a (first value) is the fraction of the indexable Web covered by engine a (first third-party engine); n_o is the number of overlap documents returned by both engines a and b (first and second third-party engine); n_b is the number of documents returned by engine b (second third party engine). The determination of the second value in step ii) refers to the value $p'_a = n_a/n_6$ on page 38, lines 10-14. p'_a is the second value. In view of page 38, n_a is the number of documents returned by engine a (first third-party engine); n_6 is the number of overlap documents returned by the combination of all engines including engines a and b (first and second third-party engine). Lastly, the determination of an

estimate in step iii) refers to the value $c = p'_a / p_a$ on page 38, lines 14-16. That is, the value obtained in step ii) is divided by the value obtained in step i). Consequently, the Applicants respectfully submit Claim 79 is fully supported in the present specification and does not introduce new matter.

Insofar as rejections pursuant to 35 U.S.C. § 102(e) are concerned, it is axiomatic that anticipation pursuant to § 102 requires that the prior art reference disclose each and every element of the claim to which it is applied. In re King, 801 F.2d 1324, 1326 (Fed. Cir. 1986). Thus, there must be no differences between the subject matter of the claim and the disclosure of the applied prior art reference. Stated another way, the prior art reference must contain within its four corners adequate direction to practice the invention as claimed. A corollary to the aforementioned rule, which is equally applicable, states that the absence from the applied prior art reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 1571 (Fed. Cir. 1986).

In traversing the rejection of Claim 74 pursuant to 35 U.S.C. § 102(e), the Applicants respectfully submit that the primary reference to Redfern does not anticipate the present invention, i.e., failing to disclose each and every element, as particularly claimed in the independent Claim 74. More specifically, the Applicants respectfully submit that Redfern fails to disclose estimating the relative coverage of the plurality of third-party search engines by comparing an overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party engines to an overlap number of pages in the filtered full list of results corresponding to each of the plurality of third-party engines. Figure 31 depicts the comparing of overlap between


third-party engines a and b to the combined number of document returned by all engines (See e.g., text accompanying Figure 31). To the contrary of the present invention, which is directed to a method for determining an estimate of the relative coverage of the plurality of third-party search engines as particularly recited herein, the primary prior art reference to Redefern is directed to a meta search engine that queries a number of search engines, ranks the relevance of information sources returned from the search engines according to relevant content, determines portions of interest in the ranked information sources and displays the portions in ranked order to the user. In the Official Action, the Examiner alleged that Redfern discloses the estimating step at Col. 33, lines 3-65 and Col 34, liners 15-35. The Applicants respectfully submit that the cited Appendix J of Redfern shows the formatted text (converted from the raw HTML code) of two of the information sources retrieved from the information source listed in Appendix G, and the Appendix K shows the final segments from these information sources that are output to a user. However, Redfern does not disclose estimating the relative coverage of the plurality of third-party search engines by comparing an overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party engines to an overlap number of pages in the filtered full list of results corresponding to each of the plurality of third-party engines, as recited in Claim 74. Consequently, the Applicants respectfully request the Examiner to withdraw the rejection of the independent Claim 74 pursuant to 35 U.S.C. § 102(e).

In traversing the rejection of Claim 79 pursuant to 35 U.S.C. § 102(e), the Applicants respectfully submit that Redfern does not disclose the steps of determining a first value, determining a second value and determining an estimate, as particularly

recited in Claim 79 and described hereinabove in detail relative to the objection pursuant to 35 U.S.C. § 132. In fact, Redfern does not determine an estimate of relative coverage and further does not perform the computations recited in Claim 79. Please refer to description of the steps in Claim 79 hereinabove. Consequently, the Applicants respectfully request the Examiner to withdraw the rejection of the dependent Claim 79 at least based on its dependency from the independent Claim 74 and further because the subject matter recited in Claim 79 is not disclosed in Redfern.

In view of the foregoing, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicit the allowance of the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicants respectfully request that the Examiner to call the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,


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